IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER,
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 7431 of 1993

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Between:

1 Petroleum Workers'Union (Visakha Refinary),Regd.No.3046, Represented by its General Secretary SriP.Charles,S/o.Deva Sahayam.
2 M.V.R.Prasada rao, S/o.Ranganatharao, Hindu,R/o.Visakhapatnam.

..... PETITIONERS

AND

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1 The Hindustan petrolium Corporation Ltd., Represented by its Chairman & Managing Director,17, Jamshedji tata road, Bombay-400 020.(R-1 Dismissed the default Vide Court order dt.23/4/99).
2 The GeneralManager, Visakha Refinery, Malakapuram, Visakhapatnam-11.
3 The Senior Terminal Manager, Kandla terminal Hindustan Petroleum Corporation Limited, Kandla, Gujarat State.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ, order or direction particularly a Writ in the Nature of Certiorari, by calling of records leading up to and including the order No.CMD/7000/17, dated 29-3-1993 of first Respondent and by quashing the same, restore all the benefits those

are denied and withheld including the promotion.

Counsel for the Petitioner:DR.P.B.VIJAY KUMAR

Counsel for the Respondents : MR.K.SRINIVASAMURTHY

The Court made the following :

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O R D E R :

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This Writ Petition is filed challenging the order,
dated 29.03.1993 passed by the first respondent-Corporation in Order No.CMD/7000/17.

2. First petitioner is the Petroleum Workers' Union and the second petitioner is the workman concerned. The second petitioner was issued with a charge sheet dated 3.12.1990 alleging various mis-conducts. Thereafter, an enquiry was conducted and ultimately he was dismissed from service by the order, dated 16.12.1992. Against the said order of dismissal, the second petitioner submitted an application before the Appellate Authority. By an order, dated 1.4.1993, the Appellate Authority reversed the order of termination of the second respondent by demoting the second petitioner by two steps. The said order came to be challenged in the present Writ Petition.

3. The contention of the petitioners is that the authorities are precluded from proceeding with the domestic enquiry as the criminal cases are pending for the same charges. Therefore, the entire procedure adopted by the enquiry officer is illegal and arbitrary. It is also stated that the management is guilty of the unfair labour practices and in order to suppress the trade union activities of the petitioner, such a course has been adopted by the management. The learned counsel further submits that the
respondent-Corporation under Article 226 of the Constitution of India, has to stand to the test of reasonableness and in the instant case, the punishment

imposed is quite illegal and arbitrary.

4. I have heard the learned Counsel for the respondents also.

5. In as much as the dismissal order was considered by the Appellate Authority and the Appellate Authority has reduced the punishment to that of demotion by two steps and as there are no instances of arbitrary action, I do not find any grounds to interfere with the findings arrived at by the respondents. Hence, I find no merits in the writ petition.

5. Accordingly, the Writ Petition is dismissed. No costs.

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G. BIKSHAPATHY, J

Dated:02-09-2004

ccm

To

1 The Chairman & Managing Director,Hindustan petrolium Corporation Ltd., Represented 17, Jamshedji tata road, Bombay-400 020
2 The General Manager, Visakha Refinery, Malakapuram, Visakhapatnam-11.
3 The Senior Terminal Manager, Kandla terminal Hindustan Petroleum Corporation Limited, Kandla, Gujarat State.

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